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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,861	08/04/2000	Masayuki Chatani	375.05.01	2447

25920 7590 08/17/2004

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EXAMINER	
ABDI, KAMBIZ	

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 08/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)	
	09/632,861	CHATANI, MASAYUKI	
	Examiner	Art Unit	
	Kambiz Abdi	3621	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 19 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1.☒ A Notice of Appeal was filed on *19 July 2004*. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☐ The proposed amendment(s) will not be entered because:

(a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

(b) ☐ they raise the issue of new matter (see Note below);

(c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

(d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7.☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

8.☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

John W. Hayes

JOHN W. HAYES
PRIMARY EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's argument put forward in the after final amendment has been carefully read and considered but it does not place the application in condition for allowance for at least the following reasons. The argument in regards to rejection under 35 USC § 112 2nd paragraph is not persuasive. To refresh the applicant's understanding of the rejection under 35 USC § 112 2nd paragraph of independent claims 1, 9, 17, and 22; as it was presented on the fina office action dated 7 April 2004.

In Paper No. 14 filed 22 January 2004, applicant has stated, "to enable access only to a specific content in said primary media database..." and this statement indicates that the invention is different from what is defined in the claim(s). Because As the examiner understands the claims and it has been argued by the applicant, it is not clear how the "a specific content" is identified within the primary media content database, other than identifying specific contents which were associated with the media storage or as it is understood by the examiner it is the entire content of the storage media that is identified by the "user ID". It is not clear to the examiner what applicant means by the "said specific content..." what distinguishes one content from another based on the user identifier which is only related to the entire contents on the "detachable storage media..." or an specific subset of such content that is one content on the media storage? There is no teaching in the specification or in the claims that shows how one specific content is distinguished over the others that are a subset of the content of the media storage and it is unclear on how this distinction is made by using the "detachable storage media having a media identifier, wherein the media identifier is combined with the user specific information..."
To further clarify the rejection under 35 USC § 112 2nd paragraph and for the purpose of clarity, the following is the understanding; the content database 106 stores an unlimited variety of different content. The detachable storage media contains subsets of the content of th content database 106 residing at the server. The specified content from the detachable storage media being a subset of data stored in th contents database, the subset being defined by the media ID.
Examiner's rejection has been based on that each detachable storage media has multiplicity of content, and in order to choose a subset o such media; it is essential to distinguish each content from the other in the detachabel storage media. The detachable storage media only would have one identifying parameter such as the "media ID". However, in order to request a down load of a specific content from a plurality of contents presented by the detachable storage media there is necessary to have additional identification parameters of the specific content. It would be necessary to combine the "storage media ID", "content ID", and the "user information" to create the "user ID" in order to specifically identify the requested content based on the content of detachable storage media, what content has been requested and to be downloaded to which user console. Therefore, the "media Id" as specified by the applicant can not be used to identify the requested specific content unless the detachable storage media only contains a single content within it, the argument put forward by the applicant in regards to the rejection under 35 USC § 112 2nd paragraph has not been overcome and the rejection is maintained.